

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SJR 38

February 3, 2011

SUMMARY OF BILL: Proposes amending Article VI, Section 5, of the Tennessee Constitution to require the popular election of the Attorney General and Reporter to a four-year term. Resolves that this amendment be referred to the 108th General Assembly and that the resolution be published by the Secretary of State in accordance with Article XI, Section 3, of the Tennessee Constitution by posting the resolution on the official Web sites of the Secretary of State and the General Assembly.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- In *American Civil Liberties Union et al. v. Darnell et al.*, 195 S.W.3d 612, 626 n.12 (Tenn. 2006), the Tennessee Supreme Court noted without deciding the issue that: "The General Assembly has the authority to adopt a rule or enact a statute that defines the term 'published' used in Article XI, Section 3 or that specifies the means and manner of publication. When interpreting constitutional provisions, courts carefully consider any interpretation the General Assembly has given the provision." This note assumes that authorization by the General Assembly of electronic publication complies with the constitutional publication requirement.
- Posting this resolution on the official Web sites of the Secretary of State and the General Assembly will not result in a significant increase in state expenditures.
- Because Article XI, Section 3 of the Constitution requires publication of the resolution before the next legislative election, this publication will occur in the spring of 2012.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink, reading "James W. White".

James W. White, Executive Director

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